

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1, 2, 20, 38, and 50 have been amended. Claims 6, 24, and 42 have been canceled. No new matter has been added. Support for the claim amendments can be found at least in paragraphs [0056]-[0059] of the published specification. Claims 5, 7, 13, 14, 23, 25, 31, 32, 41, 43, and 49 were previously canceled. Claims 1-4, 8-12, 15-22, 26-30, 33-40, 44-48, and 50-53 are now pending in this application.

### I. Claim Rejections – 35 USC § 103

On pages 2-6 of the Office Action, Claims 1-4, 6, 20-22, 24, 38-40, and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable by allegedly Admitted Prior Art (hereinafter “APA”) in the Background section of the present application in view of U.S. Patent No. 7,046,649 to Awater et al. (hereinafter “Awater”) and U.S. Patent Application Publication No. 2009/0310619 to Brommer (hereinafter “Brommer”). On pages 7-10 of the Office Action, Claims 11, 12, 15, 17-19, 29, 30, 33, 35-37, 47, 48, and 51-53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over APA in view of Awater. Independent Claims 1, 20, and 38 have been amended, and Claims 6, 24, and 42 have been canceled. Applicant respectfully submits that APA, Awater, and Brommer, alone or in combination, fail to disclose, teach, or suggest at least one element recited in each of the remaining pending independent claims.

#### A. Claims 1, 20, and 38

Amended independent Claim 1 recites, in part, “determining, at an access point, a power save status of a first device configured to communicate in accordance with a first modulation scheme, wherein determining the power save status comprises transmitting a Null frame from the access point to the first device and awaiting a response to the Null frame from the first device” (emphasis added). Although different in scope, independent Claims 20 and 38 recite similar

elements. Applicant respectfully submits that APA, Awater, and Brommer, alone or in combination, fail to disclose, teach, or suggest such elements.

On page 3 of the Office Action, the Office Action asserted that lines 2-6 of paragraph [0003] and paragraphs [0005] and [0006] of APA disclose “determining a power save status of a first device.” AAPA describes “transmission protection ... to prevent legacy stations from transmitting while transmissions using the second modulation scheme are in progress” (paragraph [0014]). Lines 1-6 of paragraph [0003] and paragraphs [0005] and [0006] of APA state:

FIG. 1 depicts a schematic diagram of a portion of wireless local area network 100 in the prior art. Local area network 100 comprises stations 101, 102-1, and 102-2. Stations 101, 102-1, and 102-2 use a shared-communications channel to communicate among themselves and only one of the terminals can transmit into the channel at a time....

Station 101 can transmit and receive using:

- i. a first modulation scheme.

However, APA is silent with respect to the transmission of a “Null frame.”

On page 4 of the Office Action, the Examiner relied on Awater for its alleged disclosure of a “computer ... coupled to memory.” Awater is directed to “introduc[ing] an interoperability device in a communication system which integrates an IEEE 802.11 transceiver and a Bluetooth transceiver [that] prevents one transceiver [from] transmitting while the other is receiving” (Abstract). However, Awater is silent with respect to the transmission of a “Null frame.”

On page 4 of the Office Action, the Examiner relied on lines 13-20 of paragraph [0062] of Brommer for its alleged disclosure that “the device is not in a power save state, transmission protection at the access point and transmitting from the access point, a message requesting that a second device enable transmission protection.” Brommer is directed to a “modem that provides efficient use of wireless network bandwidth in the presence of multiuser interference and noise” (Abstract). Paragraph [0062] of Brommer states:

To minimize contention, networks employing CSMA/CA use both physical and virtual carrier sensing. Physical carrier sensing is performed through detection of the presence of other 802.11 wireless LAN users through packet analysis and through detection of received signal strength indications of other sources in the channel. Virtual carrier sensing is done through the MAC layer through several aspects of the protocol. One way is by using request-to-send (RTS) and clear-to-send (CTS) frames to verify channel access grants. Lack of CTS acknowledgement implies that another user is transmitting on the channel. Through propagation obstacles or through simultaneous transmission, physical detection of this carrier may not be possible. Another way is by including in the packet header a duration field telling other terminals in the network how to adjust their network timing data registers to indicate the time allocated for the current packet until the channel may again be sampled for idle status. This information is transmitted in the header of request-to-send (RTS) packets, clear-to-send (CTS) packets, and data packets.

However, like APA and Awater before, Brommer also is silent with respect to transmission of a "Null frame."

Accordingly, Applicant respectfully submits that APA, Awater, and Brommer, alone or in combination, fail to disclose, teach, or suggest "determining, at an access point, a power save status of a first device configured to communicate in accordance with a first modulation scheme, wherein determining the power save status comprises transmitting a Null frame from the access point to the first device and awaiting a response to the Null frame from the first device," as recited in Claim 1 (and similar elements recited in Claims 20 and 38).

B. Claims 11, 12, 15, 17-19, 29, 30, 33, 35-37, 47, 48, and 51-53

As mentioned above, Claims 11, 12, 15, 17-19, 29, 30, 33, 35-37, 47, 48, and 51-53 were rejected under 35 U.S.C. § 103(a) over APA and Awater. Claims 11, 12, 15, 17-19, 29, 30, 33, 35-37, 47, 48, and 51-53 depend variously from independent Claims 8, 16, 26, 34, 44, and 50, and therefore include the same elements as their respective independent claims. As indicated below, on page 10 of the Office Action, the Examiner indicated that independent Claims 8, 16,

26, 34, 44, and 50 were allowable. Accordingly, Applicant respectfully submits that Claims 11, 12, 15, 17-19, 29, 30, 33, 35-37, 47, 48, and 51-53 are also allowable over APA and Awater, based at least on their dependence from allowed independent Claims 8, 16, 26, 34, 44, and 50.

For at least the reasons above, Applicant respectfully submits that APA, Awater, and Brommer, fail to disclose, teach, or suggest at least one element recited in each of independent Claims 1, 8, 16, 20, 26, 34, 38, 44, and 50 (and their various dependent claims). Claims 6, 24, and 42 have been canceled. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1-4, 11, 12, 15, 17-22, 29, 30, 33, 35-40, 47, 48, and 51-53 under 35 U.S.C. § 103(a).

## **II. Allowable Subject Matter**

On page 10 of the Office Action, the Examiner indicated that Claims 8-10, 16, 26-28, 34, 44-46, and 50 were allowable. Applicant thanks the Examiner for noting the allowability of these claims.

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It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. Applicant respectfully requests consideration and allowance of all pending claims.

It should also be noted that although arguments have been presented with respect to certain claims herein, the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons. Further, the failure to address any statement by the Examiner herein should not be interpreted as acquiescence or agreement with such statement. Applicant expressly reserves the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present Application or in any other future proceeding, and to rebut any statement presented by the Examiner in this or other papers during prosecution of the present Application.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By  \_\_\_\_\_

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